

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**DAVID MOORE, and
LISA THERESE MOORE
Debtors**

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CASE NO. 10-40579-H1-12

**ORDER CONFIRMING DEBTORS' December 22, 2011 AMENDED
CHAPTER 12 PLAN OF REORGANIZATION**

On the 15th day of November, 2011, came on for consideration the Debtor's Chapter 12 Plan of Reorganization and Motion for Valuation of collateral (the "Plan"), along with the timely filed objections to the Plan by Lisa Bushman and American Home Servicing Inc., and the debtors' Amended Chapter 12 Plan of Reorganization and Motion For Valuation of Collateral (the "Amended Plan"), and the Court, having considered the Amended Plan, and the agreements reached among the parties, and the testimony and argument of Counsel, hereby finds as follows:

1. David Moore and Lisa Therese Moore (the "Debtors") are the debtors in possession in the above referenced bankruptcy proceeding.
2. David G. Peake has been duly appointed by the United States Trustee pursuant to 11 U.S.C. § 1202(a) to serve as the Chapter 12 Trustee in this case; and that the trustee continues to serve in such capacity.
3. On February 22, 2011, the Debtors filed their Chapter 12 Plan of Reorganization, and
4. On March 7, 2011, United Heritage Credit Union filed its objection to Debtors' Chapter 12 Plan.
5. On September 8, 2011, American Home Servicing Inc., filed its objection to Debtors' Chapter 12 Plan.

6. The Amended Plan complies with the provisions of Chapter 12 of the Bankruptcy Code.
7. Any fee, charge or amount required to be paid by the Debtors pursuant to 28USC Sec. 1930 or under the terms of the Amended Plan which are required to be paid before confirmation has been paid by the debtors. Accordingly, the Amended Plan complies with the provision of Section 1225(a)(2) of the Bankruptcy Code.
8. The Amended Plan has been proposed in good faith.
9. That pursuant to 11U.S.C. § 326(b) the trustee is entitled reasonable compensation, for services, not to exceed 5.0% upon all payments under the plan. Accordingly, the Chapter 12 trustee is allowed to draw his compensation at the rate of 5% of each plan disbursement during the term of the confirmed plan.
10. The debtors' homestead which is collateral for the secured claim held by American Home Mortgage Servicing, Inc. a servicing agent for Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust (the Mortgage Creditor), is valued at \$298,633.00. Accordingly the Mortgage Creditor has an allowed secured claim in the amount of \$298,633.00, payable at an interest rate of 5.25%.
11. United Heritage Credit Union has an allowed secured claim in the amount of \$9,000.00 payable at an interest rate of 4.25%.
12. The debtors shall surrender their interest in Davlis Enterprises, LTD, and in Davlis, L.L.C.
13. The debtors shall not interfere with Lisa Bushman's use and possession of the 18 acres of property adjacent to the debtors' homestead. The debtors shall be allowed to establish an easement on the adjacent 18 acres which allow debtors reasonable ingress to and egress from their homestead.
14. The value, as of the Effective Date of the Amended Plan, of property to be distributed under the Amended Plan on account of each allowed unsecured claim is not less than the amount that would be paid on account of such claim if the property of the Debtors' Estate were to be liquidated under Chapter 7 of the Bankruptcy Code on such date. Accordingly, the Amended Plan complies with the provisions of Section 1225(a)(4) of the Bankruptcy Code.
15. With respect to each allowed secured claim provided for by the Amended Plan the Amended Plan provides the holder of such claim with the value, as of the Effective Date of the

Amended Plan, of the property to be distributed by the Trustee or the Debtors pursuant to the Amended Plan, on account of such claim that is not less than the allowed amount of such claim. Accordingly, the Amended Plan complies with the provisions of Section 1225(a)(5) of the Bankruptcy Code.

16. All payments made or promised by the Debtors or by a person issuing securities or acquiring property under the Amended Plan or by any other person for services or for costs and expenses in, or in connection with, the Amended Plan and incident to the Bankruptcy Case, have been fully disclosed to the Court and are reasonable, or if to be fixed after confirmation of the Amended Plan, will be subject to the approval of the Court.
17. The Debtors will be able to make all payments under the Amended Plan and comply in all respects with the Amended Plan. Accordingly, the Amended Plan complies with the provisions of Section 1225(a)(6) of the Bankruptcy Code.

It is therefore **ORDERED** that the Amended Plan filed by the Debtors on December 22, 2011, attached hereto as Exhibit "A", is hereby confirmed.

It is further **ORDERED** that the Debtors, pursuant to Section 1225(b)(1) of the Bankruptcy Code, must pay over the five (5) year term of the Amended Plan beginning on December 15, 2011 through the Chapter 12 Trustee, all projected disposable income as reflected on the Distribution Outline attached to the Amended Plan to make payments to allow unsecured claims.

It is further **ORDERED** that the Debtors shall make timely payments to holders of allowed secured claims or to the Chapter 12 Trustee as reflected in the Amended Plan or as set forth in this Order, and in the event there is a conflict, the provisions of this Order shall prevail.

Dated: _____

Honorable Marvin Isgur
U. S. Bankruptcy Judge

AGREED TO BY:

/s/ Alexander B. Wathen

Alexander B. Wathen

Wathen & Associates

13280 Northwest Freeway, Suite F352

Houston, Texas 77040

Telephone: 281-999-9025

Facsimile: 281-616-6242

Attorney for Debtors

/s/ Ronald H. Tonkin

Ronald H. Tonkin

2777 Allen Parkway, Suite 1080

Houston, Texas 77019

Attorney for Lisa Bushman

/s/ Christina Platon Camarata

Cristiana Platon Camarata

Brice, Vander Linden & Wernick, P.C.

9441 LBJ Freeway, Suite 350

Dallas, Texas 75243

Telephone: 972-643-6600

Facsimile: 972-643-6698

Attorney for American Home Mortgage Servicing Inc.

CHAPER 12 TRUSTEE

9660 Hillcroft, Suite 430

Houston, Texas 77096-3856

Telephone: (713) 283-5400

/s/ David G. Peake

David G. Peake

Chapter 12 Trustee